IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

WP(C).No. 31955 of 2003(D)

PETITIONER:

VELAYUDHAN, S/O. SANKARAN,
AGED 54 YEARS, HEALTH INSPECTOR GRADE-I,
CORPORATION OF THIRUVANANTHAPURAM.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY, DEPARTMENT OF LOCAL ADMINISTRATION, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE SECRETARY,**
   CORPORATION OF THIRUVANANTHAPURAM,
   THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON,SC,TVM CORPN.
GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.31955/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.H2-16579/93 DT.14.5.01 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE MEMO NO.H2-48939/01 DT.24.1.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE ORDER NO.H2/48939/01 DT.9.4.02.

E.XT.P4:- COPY OF THE REPRESENTATION DT.22.4.02.

EXT.P5:- COPY OF THE JUDGMENT IN OP. 12177/02 DT.3.5.02 BEFORE THE HONOURABLE HIGH COURT.

EXT.P6:- COPY OF THE ORDER NO.10652/A2/02 DT.21.11.02.

EXT.P7::- COPY OF THE ORDER IN C.C.C. NO.1274/02-S DT.3.3.03 BEFORE THE HONOURABLE HIGH COURT.

EXT.P8:- COPY OF THE ORDER NO.11417/A2/03/LSGD DT.25.2.03 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 31955 OF 2003-D

JUDGMENT

The petitioner was a Health Inspector, working under the Thiruvananthapuram Corporation. He retired from service on 31.10.2003. While working at Thiruvananthapuram, he has been placed under suspension by the Secretary, Thiruvananthapuram Corporation, by Ext.P3 proceedings dated 9.4.2002. The petitioner filed Ext.P4 representation against that order before the Director of Municipal Administration as well as the Government. In the meanwhile, he also filed O.P.No.12177/2002 before this Court, seeking a direction to dispose of a representation filed by him before the Government. This Court disposed of that O.P by Ext.P5 judgment. The direction in Ext.P5 was to the 2nd respondent to dispose of Ext.P4. In a review petition in that judgment this Court directed the 1st respondent to dispose of Ext.P4. Alleging that the direction in that order in review was not complied with, the petitioner approached this Court by filing C.C.C. 1274/2002. During the pendency of that contempt application the Government issued Ext.P6 communication. When the petitioner contended that the issuance of Ext.P6 itself is an act of contempt,

the Government issued Ext.P8 communication, declining to interfere with Ext.P3 order, suspending the petitioner. This Writ Petition was filed, challenging Exts.P3 and P8.

2. According to the petitioner, none of the grounds raised by him before the Government was taken into account while issuing Ext.P8. The learned standing counsel for the Corporation submitted that the petitioner has already retired from service on 31.10.2003 and therefore, the suspension order no longer survives.

3. In view of the retirement of the petitioner from service, the challenge against the order suspending him, has practically become infructuous. If no punishment was imposed on the petitioner before his date of retirement, normally the period of suspension is liable to be treated as duty for all purposes. So, the Writ Petition is disposed of, directing the competent authority among the respondents to decide how the period of suspension should be treated, as no final orders were passed in the disciplinary proceedings before the retirement of the petitioner from service. This the said authority shall do within two months from the date of production of a copy of this judgment. Needless to say, the terminal benefits due to the petitioner shall also be settled in accordance with law and released to him, taking into account the orders passed, based on the

above direction, without any further delay.

1st January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/